THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.16603 OF 2005

Dated: 08-12-2005

Between

Bandlamudi Veeraiah, S/o. Venkateswarlu, R/o. Potluru Village, Savalyapuram Mandal, Guntur District.

...PETITIONER

AND

The District Collector, Guntur and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in not conducting election to the office of President and Vice-President of No.208, Kanamarlapudi, Water Users Association, Savalyapuram Mandal, Guntur District as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is a permanent resident of Potluru Village and a member of Water Users Association No.208, Kanamarlapudi. It is stated that the association consists of 12 Territorial Constituencies (TC) from six villages.
A notification dated 21.04.2005 was issued to conduct elections to the said constituencies notifying the date for filing nominations as 25.04.2005 and the date of polling as 26.04.2005. Petitioner filed his nomination in respect of T.C.No.1. No nomination was filed in respect of T.C.Nos.10 and 11 and single nominations were filed in respect of T.C.Nos.1 to 6, 8, 9 and 12 and all those were declared elected. Though there was election to T.C.No.7 the result was not declared.

It is further stated that as per the election notification the respondents are under obligation to conduct election to the office of President and Vice-President, but so far they have not conducted the said election. Therefore, the petitioner seeks a direction to the respondents to conduct the election to the office of President and Vice President.

On the other hand, the learned Government Pleader appearing for the first respondent submits that in respect of the election conducted to the 12 TCs of the said association, single nominations have been filed for 9 TCs and they were declared elected. It is further submitted that as per Section 4(6) of the Andhra Pradesh Farmers' Management of Irrigation Systems Act, 1997 (for short 'the Act') read with Rule 88 of the Andhra Pradesh Farmers' Management of Irrigation Systems (Conduct of Elections) Rules, 2003 (for short 'the Rules') the special managing committee meeting has to be convened after declaration of the results to the TCs for fixing up tenures for all the TCs before taking up the elections of the President and Vice-President and record the tenures in Form-14A. The results of only 9 TCs were declared in respect of the said association, in respect of T.C.No.7 election was conducted but result was not declared. It is further submitted that when the special meeting was held on 26.04.2005 none of the elected members attended the meeting. Therefore, the posts of President and Vice-President were declared as casual vacancies and recorded the same in Form 15-C.

Learned counsel for the petitioner submits that no notice was issued to the elected members of the TCs specifying the special meeting to be held on 26.04.2005 and without any justification whatsoever the election officer recorded the incorrect fact that the elected members have not turned up. In fact, the elected members were eager and willing to elect the President and Vice-President so as to enable the association to function as per its aims and objectives.

This Court is not inclined to express any opinion whether the notice has been issued or not. But in view of the fact that there is declaration of casual vacancies, unless those proceedings are questioned in appropriate forum no opinion can be expressed with regard to the declaration of causal vacancies. Even assuming that the said proceedings are legal and valid, the casual vacancies have to be filled up within six months in the manner prescribed under Rule 14 of the said Rules. Rule 15 of the said Rules prescribes the

manner and method of convening the special meeting for electing the President and Vice-President of the said association. As the six months period has already elapsed, I am of the opinion that it is just and proper to conduct election and fill up the causal vacancies to the posts of President and Vice-President of the said association.

Unless the causal vacancies are filled up the object of the Act to promote and secure distribution of water among its users, adequate maintenance of the irrigation system, efficient and economical utilization of water to encourage modernization of agriculture,
to optimize agricultural production, to protect the environment and to ensure ecological balance by involving the farmers, inculcating a sense of ownership of the irrigation system in accordance with the water budget and the operation plan will be defeated. Therefore, it is just and proper to conduct election to the casual vacancies.

Having regard to the facts and circumstances of the case,
the third respondent is directed to issue notification for filling up the casual vacancies to the posts of President and Vice-President within four weeks from the date of receipt of a copy of this order informing all the elected members of the territorial constituencies of the Water Users Association to attend the special meeting for the purpose of electing the President and Vice-President in accordance with law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 8, 2005

DSK